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## Open Declaration to Community Leaders, Democrats, Republicans, and President Donald Trump from DREAM for a Bipartisan Compromise

This open declaration was prepared by Ricardo Morones Torres, co-founder and second-year law student at the University of San Diego School of Law, and other anonymous members of DREAM for a Bipartisan Compromise.



Clinton Rossiter, a renowned historian and political scientist, once wrote, “No America without democracy, no democracy without politics, no politics without parties, no parties without compromise and moderation.”[1] In the current American political system, legislative compromise is essential to resolving the country’s critical issues. One of these issues is the broken immigration system and the need for immigration reform. In particular, the matter that necessitates a swift and pragmatic resolution is the sociopolitical limbo that an estimated 800,000 DACA recipients (also known as Dreamers) face with the Trump Administration’s recent decision to end DACA. This resolution can come forth only through a logical and healthy compromise. If Congress does not resolve the issue, these Dreamers will return to the shadows and face the demons of deportation. However, reaching a compromise is not an easy task. The middle ground of glorious resolution is undermined not only by xenophobic anti-immigrants who oppose any form of legalization, but also paternalistic pro-immigrant organizations and belligerent, intolerant, and inflexible advocates who demand too much but do not want to give concessions. Given that some Republicans are willing to support legalization for Dreamers in support for border security measures, now is a critical time to work on a compromise for Dreamers that prevents us from returning to the shadows and safeguards our parents and friends from a destructive deportation machine. Now is the time to come to the middle ground. We cannot afford to return to the pre-DACA era. This declaration represents the silenced, repressed views of pragmatic Dreamers who support a compromise on the DREAM Act and border security.

### Pre-DACA Era: Perdition on Earth

Failing to reach a legislative fix on DACA means that an estimated 800,000 Dreamers face the risk of returning to the shadows of unlawful legal presence, which we consider perdition on earth. Prior to the implementation of DACA, many Dreamers had to struggle against significant adversity. The common stories include struggling to find work; dealing with exploitative and sometimes sexually abusive employers out of necessity to cover personal, housing, and educational expenses; dealing with the psychological burden of uncertainty and the rhetorical scapegoating from the xenophobic alt right; dealing with the trauma, divisions, and separations that immigration status inflicted on our families; delaying the use of well-earned, expensive professional degrees; and facing the threat of deportation on a daily basis. The failure of the 2010 DREAM Act only exacerbated these issues. The future undoubtedly appeared to be bleak.

### DACA: The Lifeline to Dreamers

President Barack Obama’s DACA announcement on June 15, 2012, was the lifeline to all Dreamers. Because of DACA, Dreamers were able to obtain a higher level of empowerment. They were able to liberate themselves from the systemic shackles of repression and step out of the shadows. According to the Center for Immigration Studies, DACA recipients were able to improve their lives in the following ways [2]:

- 69% moved to a job with better pay;
- 90% received their first driver’s license or state ID;
- 65% purchased their first car;
- 5% started their own business;
- [DACA] Recipients saw their average wage increase by 69%; and
- 16 % purchased their first home.

In the process of these livelihood improvements, Dreamers, many of whom are single parents, became the financial pillars for their families, especially due to the fact that many went on to complete college or other advanced degrees.

### New Challenges: The Elimination of DACA, the Far Right, and the Inflexible Clean Dream Act Movement

Even though President Donald Trump called for a legislative DACA fix within a six-month period after he decided to rescind DACA, the possibility of a solid negotiated fix is being undermined by far-right leaders and pro-immigrant organizations, such as but not limited to United We Dream, Undocumedia, the California Immigrant Youth Justice Alliance (CIYJA), and CHIRLA. While the far right unsurprisingly opposes any form of legalization or demands draconian border security measures, some of the aforementioned pro-immigrant organizations surprisingly and inflexibly demand that Congress pass a “clean” Dream Act, referring to a bill that does not include any border security measures or any other items of compromise.[3] These pro-immigrant organizations advance this position because they argue that any border security-Dream Act compromise entails throwing other undocumented immigrants, including Dreamers’ parents, “under the bus.” Till date, no proposal contains a provision that calls for the automatic deportation of our parents and other immigrants.

(continues page 3)



## MOTIONS

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## Law Librarians' Corner

### Tips and Tricks for Surviving Finals Season

By Dan Kimmons, Reference Librarian

Fall is here and it's the time of year when a law student's thoughts turn to the three Ss: studying, stress, and sleep (although, that last may just be wishful thinking). There are several tips from the law library to help you through this time. And if you need more, just ask; the librarians are happy to help with research on all topics.

First, remember to begin taking anti-stress steps now. Stock up on healthy snack foods before a run to the store becomes an unreasonable disruption and you're left scrounging (for example, one semester I ended up eating a dish I called "bacon onion" which was made up of the only two ingredients left in my apartment. You might be able to guess what those two ingredients were). There are also delivery options, whether it be Von's grocery delivery for ingredients and essentials, or, if you're not into cooking, try apps like Postmates and Seamless for restaurant deliveries.

Know the times for your finals and any papers that are due. Put them in your calendar, set alerts now, and, if you need to, have a test buddy who will call or text to make sure you are on time. If you're afraid you'll just hit the snooze button, here's a list of alarm apps which won't shut off until you've completed a task like taking a picture or playing a game.

You'll also want to make sure you're ready for the actual test. Back up your laptop. Make sure you have the power cable. Check the night before to see if there are any Windows updates waiting to spring up at the most inopportune moment. Take some time to make sure your testing software works. The law librarians can help you with this process. If you have any open book or open note quizzes, stock up on tabs or highlighters.

Next, think of some additional tools that might help you to unwind. Now is the time to find some music to pump you up, and some to help you relax. Find a playlist you like on Pandora, or discover some new albums on Spotify. If exercise is your thing, keep doing it. You can use MapMyRun to log your progress or find new running trails. Or if yoga is more your style, try the DailyYoga app to keep you motivated through finals.

Then, plan your study time. If you need additional study aid recommendations, the law librarians are ready for you. Come to the library and check out our collection of research guides, and make sure you look at resources like CALI to see if they can be of help to you. You can work with other people to create great outlines together, using Google Docs or Dropbox for collaboration. If you have papers due, come to the library with any questions on research or citations. We're also available by phone, email, and chat reference!

Don't be too hard on yourself if your brain needs a break. I tended to read Stephen King novels when I couldn't read law books or outlines anymore. Sometimes it was hard to decide which reading was scarier. If you need reading material, come to the library! We have a great collection of popular law titles, from authors like John Grisham. Or take a movie break and let *Legally Blonde* or *My Cousin Vinny* reignite your passion for studying law. Both of those films, and many more, are available here at the LRC, right by the reference desk.

Finally, you really do need to make sure you get some sleep. Watch your caffeine intake in the evenings. Eat reasonable meals. Watch your alcohol intake. Try an app like Meditation Studio to help you relax or to help you fall asleep. Or decompress with a non-law book before you fall asleep. Set a bedtime for yourself and turn off your screens to ease you into slumber.

And remember that thousands of people for literally hundreds of years have made it through law school finals. Take a deep breath and know that it's going to be okay.

<http://www.vons.com/ShopStores/Shopping-Help>  
<https://postmates.com/>  
<http://www.seamless.com/>  
<https://www.popsi.com/alarm-apps-wake-up>  
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In the process of advancing this inflexible position, these organizations are dangerously at risk of not getting any sort of legislative relief and sending Dreamers back to the merciless shadows by refusing to negotiate, especially when both Democrats and Republicans have declared that a clean Dream Act will not make it through a Republican-controlled House of Representatives. For instance, Senator Richard Durbin has declared, "It is naive for us to believe we would get 12 Republicans to vote for DACA or DREAM Act without putting something on the table." [4] In addition, House Speaker Paul Ryan has continuously expressed sympathy for the plight of DACA recipients while emphasizing the need for a border security compromise. [5] Moreover, President Trump has emphasized that he wants a deal on DACA that at the very least includes the construction of the border wall. [6]

To make matters worse, some of the aforementioned pro-immigrant organization members and their supporters are refusing to listen to and even engage in attacks directed towards pragmatic Dreamers who dissent on social media, such as Facebook and Twitter. The concerns of many Dreamers who are the financial pillars of their families are being overlooked. These pragmatic Dreamers are paternalistically treated as politically ignorant and are accused of selfishly throwing their loved ones under the bus for supporting a Dream Act – border security compromise, one that protects our families and other undocumented friends. For this reason, the Dreamers who contributed to this open declaration formed DREAM for a Bipartisan Compromise to let their concerns and voices be heard because we are tired of being ignored, attacked, and told to regurgitate inflexibly unrealistic policy rhetoric that does not aim to resolve the issue. We refuse to return to the shadows. Not all Dreamers think alike, and we are all relevant in this policy debate because we have all contributed in our own ways. Therefore, DREAM for a Bipartisan Compromise announces that it supports the efforts of Democratic and Republican leaders, such as Senators Dick Durbin and Lindsay Graham, Representative Nancy Pelosi, and House Speaker Paul Ryan, as they try to find a legislative fix.

### Moving Forward

DREAM for a Bipartisan Compromise does not possess the secret to the perfect negotiated fix on this complex issue. We acknowledge that Republicans want, for instance, an end to chain immigration, E-Verify, more immigration enforcement agents, and a border wall. Should we concede on everything? Of course not. Democratic leaders also have their non-starters when negotiating on a DACA fix. However, what all the pro-immigrant organizations and Dreamers should be doing is debating which border security measures are acceptable in a compromise that would not result in the deportation of our parents and other immigrant friends. If both sides can find the perfect middle ground on the issue of DACA, the immigrant community will make a positive step forward because Dreamers would finally achieve permanent relief. These empowered Dreamers would then have the ability to use their education and skills to serve as guardians for the immigrant community. In exchange, Republicans would be advancing national security and the welfare of American citizens. These "down payments" on legalization and border security could serve as the foundational steps for eventual broader immigration reform that would legalize non-criminal, productive undocumented immigrants who have lived in the shadows for many years. After all, Republicans have continually said that they will legalize the estimated 11 million undocumented immigrants when the border is deemed to be secure. [7] Now is the time for pro-immigrant organizations and advocates to stop using inflexible negotiation strategies, such as demanding the mentioned "clean" Dream Act, that only endangers 800,000 lives and financially dependent parents. Now is the time to meet at the middle ground and play a helping hand and a pivotal role in finding a pragmatic solution.

\*see website for footnotes\*

### Self-Care: The Ultimate Holiday Gift

By Ashlee Walcott



Whether you are about to finish your first semester of law school, you're a semester away from graduating and you're feeling the burnout or you just had a rough semester, we could all use some self-care and the holidays is the best time to do it!

First off, do not, I repeat, do not pick up a book. Unless you just really enjoy reading and that is a coping skill for you. However, if you don't naturally utilize this skill I would not attempt to read anything or research anything. Instead do some physical activity. Let's face it, most of us do not get much exercise being in law school and especially during finals, so give your brain a break and give your body a boost.

#### Physical Activity Suggestions:

- Hiking – connect again with nature (yes, the paper in your books come from tree, but that doesn't count)
- Kick boxing – get some of that aggression out to help you get over that horrible exam
- Yoga – get right with your body and mind and find your center
- Weight lifting – get rid of those late-night study munchies that won't let go of your guts



Second, sleep! I mean do I really need to say more. I'm sure most of us are running on four to give hours of sleep and putting in 16 hour study days. I know life does not stop once we go on break, but during break you have the opportunity to sleep until 12 and not feel guilty about it. Take advantage of it. No one will judge for sleeping all day, only getting up a few times to use the restroom and grab a snack. But if they do, then do throw your civil procedure book at them and tell them to read the Erie Doctrine and have them tell you how they feel after.

Third, retail therapy. Now this one may not apply to everyone. I get some people may not have the funds to shop or just don't like shopping, so if that's the case please skip. If that is not the case for you, SHOP TIL' YOU DROP! The holidays is the perfect time to do it. All of the sales, and the excuse of gift shopping for others. The best part though is the gift cards. Let's be honest, most of us are getting gift cards this holiday season, whether we asked for them or not, and the best way to shop is with someone else's money. So, swipe those gift cards like it's a Black American Express card, or until the person at the register says you only have 63 cents left and you know you can't buy a damn thing with that.

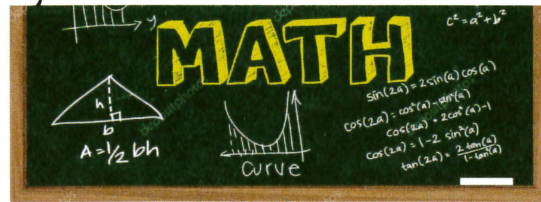
Fourth, indulge a little. Now in no way am I condoning alcoholism or gluttony, but it is the holidays and food and alcohol play a role. So, enjoy the food, go back for thirds and get a to-go plate. And enjoy that second or third glass of wine (or whatever your choice of drink is), just please drink responsibly.

Lastly, and most importantly, do you and treat yo'self (whatever that means for you, as long as it is not illegal). Self-care is extremely important, especially when you're in constant high stress situations. Getting caught up in the hustle of law school we forget about ourselves and the things that make us feel whole. So take advantage of this time and relax, restore, and re-energize.



# Unenumerated Powers: How Many Law Students Are Terrible at Math and Why It's OK

By: Stella Raedeker



If I step outside that vicious cycle of competitiveness, anxiety, and self-doubt for just long enough to take an objective survey of things, I can see that we're actually killing it. Look at us. We write briefs. We do oral advocacy.

We may have had legal jobs or been on journals already. We can pretend like we know what we're talking about when we get cold-called in class. We can subsist on junk food, instant coffee, and no sleep for a really long time. We know how to show up at the LRC parking lot at 12:45 PM and find a space because we circle around like vultures and yell, "are you leaving?" at people moving stuff around in their trunks. It's all about persistence. It's all about asking the right questions. The skills that we are learning are important and marketable (for the most part, anyway). Take me, for instance. I can fill casebooks with yellow, orange, and pink highlights from here to eternity.

However, there may be other things that we are not getting better at. Conventional wisdom holds that one goes to law school on account of being mediocre at math. This old adage seems to become increasingly less true, as law students now come from diverse academic and social backgrounds. Nonetheless, the problem persists for many of us. Before law school, I was actually ok at math. I was an economics major, so I dabbled in calculus every day. Now, simple things like calculating tips sans iPhone, finding out what time it is another country, and adding two-digit numbers in my head are often stressful enough to elicit a fight-or-flight response. I've seen highly intelligent people around here floundering with fractions and low-key forgetting how to divide. Make no mistake: it's a difficult thing to face up to. "Who am I?" You start to ask. Why is all this money being spent on my education if I'm too stupid to do arithmetic? The effect that these fears can have on your self-esteem and productivity are not to be understated. Probably we could find some ridiculous algorithm to quantify how much GDP loss this whole phenomenon causes, in the sad irony of it all.

Are we really fated to be so myopic, in all senses of the word? Why can't we have it all? When you were a kid, didn't you think that someday you would be a hot-shot corporate lawyer who files her own tax returns and impresses friends by running super profesh Stata linear regressions in her spare time? I know I did. Surely, surely, there must be something that can be done.

In a 2013 University of Illinois at Urbana-Champaign study, researchers were able to predict a lawyer's approach to legal analysis by asking math questions. Clearly, this study reveals a relationship between substantive legal decision-making and math skills. What's less clear, however, is whether lawyers who are better at math are actually better at the law. Judge Posner would certainly think so (check out his tirade in the Seventh Circuit *Jackson v. Pollion* opinion).

There is arguably a problem. The solution would be painfully simple: do more math. I'm just not sure that I'm really up for that. Who cares about math anyway? Sure, it's the natural order of things. But when you get really sophisticated at it, doesn't it become the most frustratingly abstract of mental exercises? I never made it that far, but this is what I've been told about high-level math. In other words, I am trying to use extreme examples to generalize math in such a way that my fear and ambivalence seem justified.

To be clear, no one is saying that math is not important. I never said that. I'm just saying that maybe I can live with the fact that I'm probably never going to be super chill with optimizing functions ever again. The concept of the Renaissance Man honestly bores me a little. After all, we have no concept of the Renaissance Woman at that time. It's all just passé, if you asked me. Color me red and call me a crazy radical, but I just don't want to live in a world, in an America, where your worth as a human being is correlated with your mathematical ability. If you're going to take a stand for something, it might as well be something as relatively inconsequential as this. Again, my point lies in the sarcasm.

For the most part, we still live in a fragmented world where we get hyper-specialized at our tasks. What can we do about it, besides our work? The great thing is that we can go home afterwards and do what we love. That is, if we're lucky enough to have the kind of job where we can have weekends off. So do a long division, if you feel so inclined. Or pet a cat. Or color pictures of owls, like I do. It'll be ok. Who needs math anyway?

## Copy-Cat Couture & Copyright

By: Michelle Dinh



It's a shame that clothing designs are hardly protected by copyright law. Courts have pretty much concluded that clothing is non-copyrightable because of their utilitarian purpose. In short, the way an article of clothing is cut or assembled will not meet the originality requirement of copyright protection. Although aspects of a design can be protected such as elements that can be taken independently of the clothing itself will earn copyright protection. Therefore, as a whole, a particular skirt, jacket, or dress will not be protected, just the pattern or art printed on to it could be protected, assuming it is original work, fixed, and is an expression. So, for example, a belt will not be protected, but there is a case where a belt buckle made of precious metal and functioned as a decorative jewelry art is separate enough from the use and purpose of a belt to receive copyright protection.

Back in 1932 the Fashion Originators Guild of America did attempt to take matters into their own hands by boycotting and destroying knockoff retailers, but that only lasted until 1941 when the courts ruled that blacklisting such businesses violates antitrust laws and created a monopoly. The guild ceased to exist after that. Currently today, there is a caucus on fashion in D.C. to combat knockoffs and counterfeits, although it is not favorable with the Councils of Fashion Designers of America (CFDA). The fashion caucus promoted a bill that would "allow designers to register apparel, handbags, footwear, belts, and eyeglass frames for three years of copyright protection." According to goxtrack.us the Innovative Design Protection Act of 2012, otherwise known as the "Fashion Bill" was introduced by Senator Chuck Schumer on Sept. 20, 2012, but died and was enacted. The three-year ban proposed by the bill afforded at least minimal copyright protection for fashion designs. This would have been adequate for the hottest couture because it lasts long enough to cover the style just until it is out of season. Therefore, major designers would not be severely impacted by copycats and counterfeits like they are now. Records have shown that exact replicas of runaway designs have hit the street as soon as the day following a show. On the other hand, individual designers would not be frozen out from creating something similar independently for too long. The main purpose of the bill was to provide protection for unique and original fashion designs, while preventing unfair use at the same time. It is undisclosed why the bill failed to be passed and there have not been any signs or hope that it will be renewed anytime soon. There also has not been any discussion of any new bills with different proposals in the work. It is sad to say that it just seems like designers and legislators alike have given up on the matter.

If we look to France, copyright protection covers "any original work of the mind." This includes fashion and garment designs and fashion shows. Clothing designs in fashion receive copyright protection and so does "creations of the fashion industries of clothing and accessories" according to the French Intellectual Property Code. To be even more specific, fashion creation entails "dress making, leather goods, fabrics, etc." Records have shown that with such copyright protection afforded to clothing and fashion design in place, France has had less lawsuits on the matter. Simply put, maybe the US could learn a thing or two from the Fashion Capital of the World.



## How To Confirm Your Judge

By: Alex Behzade



As of this publishing, the march to fill in the over one hundred court vacancies on the Federal Bench has continued slowly but steadily. Professor Amy Coney Barrett (whom I discussed at length in last month's column) was confirmed on October 31st, culminating in a total of one SCOTUS (Supreme Court of the United States), eight Circuit, and four District court judges for 2017. In addition, fourteen district court nominees have been passed out of committee and Gregory Katsas and L. Steven Grasiz have had hearings for their circuit nominations. This puts President Donald Trump well above the yearly average for recent presidents in confirming judges in their first years, and the year is not over yet.

Judicial picks have been a source of intense political debate and focus in recent years. The maze of lawsuits and conflict between lower federal courts and the Trump Administration/SCOTUS have brought the confirmations into the limelight. In order to dispel untruths and myths about this, I have put together a little primer on How to Confirm Your Judges.

### Nominations:

Aside from SCOTUS, no lower federal court is mandated by the Constitution. Each is a creation of congress, established by legislation. There are two tiers of courts underneath SCOTUS, the Federal District Courts and the Circuit Courts of Appeals. The latter are the most important by far, acting as the final arbiter of 90% of cases in the federal docket – since the Supreme Court rarely takes on an appeal. Twelve circuits have been created by congress numbering one to eleven plus DC, each governing a specific geographical area. These circuits are further divided into districts, each with their own court that handles all initial lawsuits and trials.

Vacancies occur when a judge dies or resigns from the bench, or chooses to seek Senior Status. This is a unique hallmark of lower federal courts, where a Judge getting on in years will get a reduced caseload but still be on the bench. As mandated by the constitution, judicial vacancies must be filled by Presidential nomination followed by Advice and Consent of the Senate. It is when things get to the Senate that the process runs into complications.

### Committee

In the Judiciary Committee there are eleven members from the majority party and nine from the minority. A Senate tradition exists, called a Blue Slip. Essentially, the senators from the nominee's home state conduct a special evaluation, and if the nominee satisfies them as a well-qualified candidate then they return a "Blue Slip" to the committee chairman. Once a blue slip is given, then the Chairman can schedule a hearing during which a nominee answers questions before the full committee – while SCOTUS nominees are given their own hearing, lower court picks are often done in tandem with each other to save time.

Once the hearings are complete, a time of several weeks is observed before an Executive Business Meeting is called to vote out the nominees to the full Senate. While a majority vote is all that's needed, the minority party has the prerogative of putting any nominee on hold – which is a one-week delay. Other than that, the majority controls, though many judges are advanced with a mere voice vote.

### The Full Senate

The current Senate can confirm nominees at a much faster pace today than in years past. Without the 60-vote ceiling for bringing about debate – aka cloture – all one needs is a majority and they can confirm the judge back to back. Once the Senate Majority Leader files for cloture there is little any minority can do to block the nominee. Delays, however, are possible. Senate rules set a maximum limit for debate to be thirty continuous hours. If the minority party demands it, then thirty hours it must be between a successful cloture vote and the resulting confirmation majority. In the end, if you have fifty votes plus the Vice President, then the nominee becomes a federal judge.

### Obstruction

While Supreme Court vacancies have been a political battle royale since Robert Bork in 1987, Democrats made lower court vacancies into political fights during George W. Bush's presidency. Many conservative court nominees were held up in unprecedented filibusters, including the egregious filibuster of Miguel Estrada that involved blatant anti-Hispanic racism on the part of Judiciary Democratic staffers. When the GOP engaged in the same filibusters to stop Obama picks seen as too liberal, the Democrat majority eliminated the filibuster for lower court nominees (extended to the supreme court by Mitch McConnell this April). Now, with Trump and the GOP largely free to nominate and confirm judges, the Democrats seek to use blue slip withholding and the full plethora of delaying tactics to prevent nominees from being voted on.

Through this, the GOP majority has not been idle. McConnell has repeatedly called to end blue slips, while many Senators seek to reduce the necessary time gap for debate from thirty hours to eight, or even two. Whatever happens, there is no shortage of action coming out of the Senate right now. Stay tuned and pass the popcorn.



## Depresso Without Our Espresso

By Ashlee Walcott

Coffee for most law students is equivalent to gas for a car. If we didn't have it many of us would probably have dropped out by now. Enduring those 12-hour shifts of studying in the Legal Research Center without some coffee almost sounds worse than our current political administration . . . almost. If you have not gotten the point by now coffee is extremely important for law students, and with the retirement of Doug, it has become a task to get a good cup on campus.



Doug's Coffee Cart was equivalent to that gas station in the middle of nowhere on the way to Nevada. After a long day of going over cases, which read like they were written before Webster Dictionary was created, or a long night of preparing an outline (or drinking at the bar) for that big final the next day, Doug's Coffee Cart pulled all the way through. First off, the location was unbeatable. Nestled in what seemed like a corner specifically built for a coffee cart, right next to the Writs. This established a level of convenience I swore was only in movies. With the way parking is these days \*eye roll\* we have to make sacrifices; wake up at 5AM, so we can get caffeinated and find a decent spot in the Law Lot or wake up at 6:30 – 7AM, pray we find a parking spot AT ALL, and forget about the caffeine. With a coffee cart being right at the law school we didn't have to choose, we had it all. We could wake up at a decent time, maybe not find a spot in the Law Lot, but the Mission Parking Structure didn't seem so bad when we knew once we got up the hill a hot cup of coffee had our name on it with two minutes to spare to get to class on time.

Now people will argue and say we have the coffee machine in the Writs, so that takes care of that, but it doesn't. This leads me to my next points. With all this talk about artificial intelligence and how machines can do a human's job a 1000 times better, I beg to differ. See, I myself, am a barista and I understand the importance of handcrafted beverages. With a coffee cart, we have options. Depending on the day, we just may need a regular cup of joe or we may be in the mood to "treat yo self" and get that caramel macchiato. Either way, we know we were going to get a quality beverage because there is someone making it, who knows what they are doing and what flavors are important when crafting a beverage. We live in a world where almost everything can be customized and a machine just can't meet those needs like a person can or supply those options. The rebuttal that comes up often is if someone is so pressed for quality or options why not walk over to Tu Mercado and get a drink there, but that brings me back to the convenience argument.

Now don't get me wrong, I appreciate the coffee machine, it's better than nothing, but we just don't have the same options or quality of a beverage like we do with a coffee cart. Although Doug's Coffee Cart is long gone, that doesn't mean we can't have someone fill those shoes. I'm sure there are hundreds of people who would be more than willing to set up shop at USD School of Law. Who would deny a guaranteed source of income? Coffee goes with law students like bagels and cream cheese, it's almost a sin not to have it that way. So please next time anyone comes across a little coffee cart in downtown or Pacific Beach, or that acquaintance who thinks of themselves as a coffee connoisseur encourage them to come establish their business at our school. We are law students in need of fuel and willing to dish our loan money for it!

## Love, Life, and Law Advice Column

### Q1 Love: Is online dating worth it? Which app is best?

**John Doe:** What are you looking for? If Tinder is your thing, you've already answered the question and don't really need to read the rest of this. If you're actually looking to start a relationship during Law School, good luck to you. Online dating can take a lot of time and is often more miss than hit. If you have the time to play twenty-questions over messenger and hope that leads to a date, that's great. As for which app is best, ask Jane. The app that girls like best (and has more girls on it) is probably your best bet.

**Jane Doe:** Tim Allen said, "Women are like cars; we all want a Ferrari, sometimes want a pickup truck, and end up with a station wagon." Personally, dating app is a good way not to actually find a soul mate, but an excellent source to help you figure yourself out. By being able to see what is available out there collectively, you can determine once and for all what exactly is "your type" of guy or girl. This goes for physical appearance and personality type since there is a whole spectrum of choices on dating apps. And if you are unsure then going on a date with a specific type will also help you eliminate your likes and dislikes. As, for app recommendations Tinder/Grindr is more for those you like to live life on the fast lane, CoffeeMeetsBagels is for mature adults who have no time to play games, and OkCupid is somewhat like Russian Roulette. Have fun kids!

### Q2 Life: Is it a good idea to start a relationship during Cuffing Season?

**John Doe:** Is cuffing season really a thing in San Diego? I mean it doesn't really get cold here... (Jane has informed me that cuffing season does in fact exist in San Diego.) So...is it a good idea to start a relationship during cuffing season? If you want to ask someone out, ask them out. Waiting for a "season" to do it doesn't make it a better idea or a worse idea. But let's be real here for a minute: there is someone you want to ask out and you've been dragging your feet because you're worried that it won't work out. Now we are apparently entering this magical time of year when girls are more likely to go out with you (Just ask Jane!) Go for it!

**Jane Doe:** Maya Angelou said, "Love is like a virus it can happen to anyone at anytime." Likewise, people are just more likely to get sick during the cold, winter season. So when you're freezing and alone it's sad, and you're more likely to find companionship to wait out the blizzard with. It's natural. And if it works out long term then that's great. If not, at least you'll know there will be another cuddle buddy come next winter. There is no losing in this, so why not? Also, if you are one of the more shy dudes, then this will increase your chances of receiving a positive answer when you find the courage to ask a girl out. Timing is important to the beginning and ending of a relationship y'all.

### Q3 Law: Is getting on a law journal, Mock Trial, VICAM, Moot Court, Transactional Law Team, etc. really worth it? Shouldn't internship experiences be enough?

**John Doe:** The best thing that you can do to help you get a job is get experience. Journal, Mock, Moot, etc. are worth it because they give you experience with legal skills – research, writing,

oral argument, negotiation, etc. – and help you get those competitive internships. Many internships specifically require applicants who are on a journal or Moot Court. The other programs can give you an advantage in specific areas of law. Places like the DA, PD, and litigation firms like Mock Trial experience. Doing TLT will give you a boost with transactional firms. VICAM will set you apart from other applicants if you're applying to firms with an international presence. In addition each of these programs have alumni networks and can help you make the connections that will lead to a job.

**Jane Doe:** Albert Einstein said, "The only source of knowledge is experience." So, kudos to John for hitting the nail on the head. Although, trying out for all the above is not a viable option. Best bet is to really think about what your long term objective is. To put it in more cliché terms, "where do you see yourself in five years." By framing it that way you can determine which group is right for you. None of these are fun and games. You get out of it what you put in. Journal is not just Bluebooking, it's also a lot of research and writing. If that is not your jam, then do not just join because it's something that must go on your resume. Mock Trial and Moot Court requires litigation and oral advocacy skills. If public speaking or working with others has you sweating bullets, then maybe consider transactional or apply to a clinic on campus, which is more one-on-one setting. Overall, you need to know yourself and your preference before just jumping head first onto a team because it looks good or because everyone else is doing it. Being well-rounded is great and all, but what will actually be useful to you in the future?



## Like a Sir

Mens Fashion Column  
by Ian Pike



*Sartorial Ground Rules  
for Uncertain Sirs*

### FEEL LIKE A SIR

In so many ways, learning to properly dress oneself resembles a first-year Civil Procedure course. Broadly applicable ground rules overlap and interplay, and from the chaos wrought by two hundred years of aspirational rulemaking—tempered by concessions to practicality—a sort of sartorial doctrine coalesces. The enlightened Sir, after careful study, can build a gentlemanly style rooted in basic tenets of men's dress, yet tweaked to bend the rules as much as possible in the interest of fair play and substantial justice. We are law students, after all.

People too often undervalue mastering the basics. They are unwise. A violin teacher knows that one must play a lot of “Twinkle Twinkle, Little Star” before one attempts “Zigeunerweisen.” The basics form the building blocks of greatness. Any Sir who has observed Picasso's 19th-century sketchbooks (or Googled them) will be shocked at the mastery of basic life drawing on display from the man whose Cubist stylings changed art as we know it.

And so, here are various, important ground rules that the average law student ought to keep in mind the next time he is out shopping for a new suit; staring hopelessly into the mirror, unable to decide what to wear for a top choice OCI position; or just trying to get himself comfortably into business casual for the day.

#### Fit is Paramount (& Your Tailor is Your Best Friend)

Suits, jackets, and trousers look great when they fit right. Conversely, they look cheap when they don't fit right—even if you paid a lot for them. Virtually no off-the-rack suit will fit perfectly; but an inexpensive off-the-rack suit can fit magnificently with just a small investment in quality tailoring. The beauty of visiting the tailor is that it requires no knowledge on the law student's part. The tailor takes measurements, and makes the clothes look great.

If money is no objection, Milano Tailors (1443 University Avenue, Hillcrest) does fine work, but altering a suit can run \$300. Alex's Alterations (3702 Sixth Avenue, Hillcrest) can charge \$100 to alter a suit, but the workmanship is quite good, and will make a \$250 suit look like a \$900 suit, so you come out ahead in the long run.

#### Shoes Are Everything

I know, we went over this last time, but it's so important that it bears repeating.

#### Suits in Anything But Black

Much like approaching a hearsay problem, answering the question, “Should I wear black?” involves working your way through a kind of checklist: Did somebody die and you're going to a funeral? Have you been invited to a black tie gala? Are you a 1990s Goth or Industrial kid? Have you been asked to co-star with Tommy Lee Jones and Will Smith in a campy, interstellar madcap romp?

If you can answer any of those inquiries in the affirmative, then congratulations! You should wear black.<sup>[1]</sup> In virtually any other circumstance, black is just too severe. Charcoal or navy is always a better bet.

#### Wear Natural Fibers

Polyester clothes actually look OK when they're new. But, here's the thing, they wear miserably and then they look cheap. Natural fibers—wool, silk, linen, cotton, cashmere, angora, mohair, or any of the other obscure natural fibers that nobody has ever heard of before—last longer and look better.

#### Whenever Possible, Match

The metal on your belt buckle, your cufflinks, your tie bar, and the bit on your loafers (if you're a bit loafer kind of Sir, which most of us admittedly aren't) ought to be of one hue.

Similarly, the leather of the belt should match the leather of the shoes. The leather of the watchband, however, need not match, although such matching can be highly desirable.

#### But Never, Ever Match

The tie and pocket square shall never be of one print, or one risks looking like a clown dressed in a gangster costume. eBay sellers like to move these matching tie and pocket square sets, which can lure the unsuspecting Sir into a false sense of matchy-matching complacency.

#### Buttons Are Surprisingly Tricky

A Sir always buttons his jacket properly, and an improperly buttoned jacket evokes images of a nine-year-old forced to dress up for a cousin's Bar Mitzvah, a distant uncle's wedding, or a kindergarten graduation. The rules are quite simple:

- Jackets with one button may be buttoned, or not, when standing.
- Where the jacket has two buttons, always button the top when standing. Never button the bottom for any reason. This classic mistake, oft-repeated, exudes insecurity.
- For a more old-school three-button jacket, buttoning the two upper buttons when standing usually works best; although, if the jacket is a 3-roll-2 style (where the upper button and buttonhole are concealed in the roll of the lapel), one should only button the middle button.
- When sitting, unbutton the jacket.

In the long run, running afoul of any of these basic rules is like laying improper venue; annoying, but not fatal. Of course, getting it right the first time should be the goal of any Sir.

[1] And if you're going to a black tie gala, a black suit won't cut it. Tuxedo or bust, Sir.



## *Who to Watch for SCOTUS*

*By Alex Behzade*



There is no doubt that the vacancy on the Supreme Court caused by the death of Justice Antonin Scalia played a critical part in Donald Trump's election as President of the United States. The promise to appoint an originalist, restrained Justice – which he kept in selecting Judge Neil M. Gorsuch – won over many in the GOP base. And the stakes exemplified by the vacancy were high. Not since Richard Nixon does a President have such a chance to shape the highest Court in the land. Justice Ruth Bader Ginsburg (pictured above) is 84, Anthony Kennedy (pictured above) is 81, and Stephen Breyer is 79, leaving a massive chance that each will leave the Court within the next four to eight years.

President Trump made waves when he issued a list of distinguished jurists that he would appoint to the Court. Given that Gorsuch was on the top of the list, it is likely that three others will be on SCOTUS. With judicial battles heating up, it seems prudent to compile a list of names to look out for in case the next vacancy happens soon.

1. **Thomas Hardiman** – On Trump's original list published during the campaign, Hardiman comes first in every discussion due to his reported status as a finalist alongside Gorsuch for Scalia's seat. Unlike the other Justices on the Court, all graduates of Ivy League schools, Hardiman stands out with his Georgetown Law Degree. Appointed to the Third Circuit by President George W. Bush, he has compiled a rather conservative record. He was scrutinized in the run up to Gorsuch's selection due to some rulings that questioned his originalism (no Republican wishes for a rehash of activist votes by Anthony Kennedy or David Souter), but his blue-collar credentials are appealing to Trump and his blue-collar base.
2. **Amul Thapar** – The first ever Indian-American to be appointed as a federal judge (being a George W. Bush appointee to the District Court for the Eastern District of Kentucky), Thapar was reportedly one of those Trump considered for Scalia's seat. In the Spring of 2017, he became the first circuit court nominee for the new Administration, rapidly being confirmed by the Senate and being the second Indian-American circuit judge after Sri Srinivasan. Thapar's youth and status as a minority originalist judge are factors that would appeal to conservative judicial observers, and his limited time on the Circuit Courts (long the stepping stone to SCOTUS) is not disqualifying. Justice Clarence Thomas was barely on the DC Circuit for two years before becoming an Associate Justice.
3. **Don Willett** – Appointed to the Texas Supreme Court in 2005 when then-Justice Pricilla Owen was confirmed to the 5th Circuit, Willett was reelected as a Republican twice since. Well-respected for several major opinions on the court, his claim to fame isn't legal in nature. A social media maven, he has amassed quite an online following for the prolific use of twitter. His account is a popular page due to witty and hilarious tweets about anything under the sun, earning him the handle "Tweeter Laureate." President Trump has nominated him for the Fifth Circuit, and he remains a strong option.
4. **Joan Larsen** – Alongside Willett, Judge Larsen of the Michigan Supreme Court was a state level jurist that made it onto Trump's list of potential SCOTUS picks. Clerking for Antonin Scalia and serving in the Bush Administration, Governor Rick Snyder appointed her to her current position in 2015. Confirmed just this month for a seat on the Sixth Circuit, her status as a female conservative jurist holds great promise. Ruth Bader Ginsburg likely to leave her seat vacant in the next eight years, and replacing her with a woman would make for a less daunting hurdle in a public relations perspective. I consider Larsen's chances likely in that respect.
5. **Amy Barrett** – The subject of my previous column for the October issue, Professor Barrett is the least likely choice for a vacancy, at least in the short term. Her legal qualifications are stellar. A highly rated law professor at Notre Dame, she has written extensive scholarly articles and clerked for Justice Antonin Scalia. Unlike the others and likely precluding a nomination for now, she does not possess a judicial record. But this will change, given her recent confirmation to the Seventh Circuit Court of Appeals. Her status as a young, articulate female jurist will make her an attractive candidate for future vacancies, earning her a place on this list.